



Attorney Docket No. 56223 (70301)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS Biedermann, et al. EXAMINER: Steward, Alvin J.
 U.S.S.N.: 09/914,256 GROUP: 3738
 FILED: August 22, 2001 Conf. No. 2209
 FOR: FOOT PROSTHESIS

Mail Stop Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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TECHNOLOGY CENTER B3700

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 7/8, 2004.

By:

Helen Murray Tarbi

DECLARATION OF LUTZ BIEDERMANN

I, Lutz Biedermann, declare as follows:

1. I am one of the applicants in the above identified application.
2. I hold a degree in certified orthopedic engineer from the Fed. Institute of Orthopedic Technology and Engineering
4. I have been engaged in the field of research and development of medical appliances for over 20 years.
5. My curriculum vitae is attached as Exhibit 1.

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6. I have reviewed the outstanding Office Action dated March 8, 2004.
7. I understand that the Examiner has stated that he has not been able "to find a paragraph, line or phrase that discloses a tension element capable of transmitting only a tension" [emphasis in original] in the original application.
8. The Examiner states that that he considers "the ribbon-like structure as a strip similar as the strip of fabric."
9. At page 2, last paragraph bridging to page 3, with respect to the described embodiment, the English translation states that "the tension element is formed in a ribbon-like manner."
10. To one skilled in the art, the term "ribbon-like" inherently means that there is no compressive strength.
11. As noted by the Examiner, and as confirmed by the definition of "ribbon" in Exhibit 2 (attached hereto), a ribbon is a thin band of cloth.
12. The definition of "rope" from the same source [see Exhibit 3, attached hereto] states "a length of fibers woven together to improve strength; [i]t has tensile strength but is too flexible to provide compressive strength."
13. This definition of "rope" applies equally to a "ribbon."
14. Based on my knowledge and experience in the art, one skilled in the art would understand the term "ribbon-like" to mean an element having a tensile strength but no compressive strength, i.e., a ribbon-like element means an element capable of transmitting only a tension force.
15. I also have reviewed the U.S. Patent 6,602,295 B1, which was cited by the

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Examiner.

16. U.S. Patent 6,602,295 B1 does not disclose or suggest the use of a ribbon-like structure.
17. U.S. Patent 6,602,295 B1 does not disclose or suggest the use of an element capable of transmitting only a tension force.
18. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

1. July 2004


Lutz Biedermann

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